TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, ~~1901~~ 1902.

No. ~~385~~ 147.

ED. H. REID, APPELLANT,

vs.

ROBERT J. JONES, SHERIFF OF THE COUNTY OF ARAPAHOE, STATE OF COLORADO.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE DISTRICT OF COLORADO.

FILED JULY 29, 1901.

(18,240.)

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JUDD & DETWEILER, PRINTERS, WASHINGTON, D. C., SEPTEMBER 18, 1901.

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1 Pleas in the circuit court of the United States for the district of Colorado, sitting at Denver.

Be it remembered, that heretofore and on, to wit, the 26th day of June, A. D. 1901, came Ed. H. Reid by Messrs. Talbot, Denison, and Wadley, his attorneys, and filed in said court a petition for a writ of *habeas corpus*.

And the said petition is in words and figures as follows, to wit:

UNITED STATES OF AMERICA, } ss.:
District of Colorado, }

In the Circuit Court of the United States within and for the District of Colorado.

In the Matter of ED. H. REID. Petition for *Habeas Corpus*.

To the honorable the circuit court of the United States for the district of Colorado:

The petition of Ed. H. Reid respectfully shows that he is imprisoned, detained, confined, and restrained of his personal liberty by Robert J. Jones, sheriff of Arapahoe county, Colorado, in the
2 county jail of said county, by virtue of a mittimus, a copy of which is hereto attached, marked (Exhibit A) and made a part hereof.

Your petitioner further says that he is advised and believes that his said imprisonment is illegal and in violation of the Constitution of the United States, and of the laws of the United States, in this, to wit: That on or about the 20th day of June, A. D. 1901, he loaded upon the cars at the town of Hereford, county of Deaf Smith, in the State of Texas, a large number, to wit, eight hundred and eighty-two head of cattle, coming from the counties of Lubbock and Cochran, in the State of Texas for importation into the State of Wyoming, through the State of Colorado. That said cattle had previously been then and there inspected, according to the statute of the United States in such case made and provided, and according to the rules and regulations pursuant to said statute, promulgated by the Department of Agriculture by a duly authorized inspector of the Bureau of Animal Industry of the United States at said Hereford, in the State of Texas, and had been duly certified by him to be free from any infectious or contagious disease, and said cattle were free from any infectious or contagious disease. That the said counties of Deaf Smith, Lubbock, and Cochran, in the State of Texas, are south of the thirty-sixth (36) parallel of north latitude. That said cattle had not been held north of said parallel of latitude for ninety (90) days prior to their importation into the State of
3 Colorado. That without the consent and against the will of your petitioner, said cattle were inspected by the inspectors of the said State of Colorado, and that your petitioner refused to pay for such latter inspection the fees or expenses provided by the stat-

ute of the State of Colorado, and because of such refusal the State veterinary sanitary board refused to deliver to your petitioner, any certificate or bill of health to the effect that said cattle were free from all infections or contagious diseases, or that they had not been exposed at any time within ninety (90) days prior thereto, to any of said diseases. That on or about the 20th day of June, 1901, said cattle were by your petitioner, brought into the State of Colorado, and into the county of Arapahoe, on their way to Wyoming without procuring such certificate or bill of health.

That afterwards, to wit, on the 26th day of June, 1901, your petitioner was accused in the district court of Arapahoe county, Colorado, by the information of one H. A. Lindsley, district attorney of said Arapahoe county, pursuant to which accusation, he was tried and convicted under the statutes of Colorado aforesaid, the same being sections two and three of an act entitled "An act to prevent the introduction of any infectious or contagious disease among the cattle and horses of this State passed and approved, March
4 21, 1885;" which said statute is contrary to the Constitution and laws of the United States; and the mittimus aforesaid was issued a copy of which information is hereto attached and made a part hereof, and marked Exhibit B.

Wherefore, your petitioner prays that a writ of *habeas corpus* may be granted and issued, directed to the said Robert J. Jones, sheriff aforesaid, commanding him to bring and have the body of the said Ed. H. Reid before your honors at the time and place therein to be specified, to do and receive what shall be then and there considered by your honors concerning the said Ed. H. Reid; together with the time and cause of his detention and said writ, and that the said Ed. H. Reid may be restored to his liberty.

Dated the 26 day of June, 1901.

ED. H. REID.

STATE OF COLORADO, } *ss:*
County of Arapahoe, }

Ed. H. Reid being first duly sworn on his oath says: that he is the petitioner named in the above-named petition; that he has read the foregoing petition and knows the contents thereof, and that the same is true.

ED. H. REID.

Subscribed and sworn to before me this 26th day of June, 1901. My commission expires Jan. 20, 1903.

EDITH L. HARRIS,
Notary Public.

[SEAL.]

5 EXHIBIT A.

STATE OF COLORADO, } ss:
County of Arapahoe, }

The People of the State of Colorado to the sheriff of Arapahoe county:

Whereas, at the April term, last past, of our district court of Arapahoe county, upon a certain information in our said court, against one Ed. H. Reid, for the crime of bringing, driving, and causing to be brought and driven into the State of Colorado, cattle without complying with, and in violation of an act of the General Assembly of the State of Colorado, entitled, An act to prevent the introduction of any infectious or contagious disease among the cattle and horses of this State, approved March 21st, 1885, depending, judgment was in our said district court on the 26th day of June last past, given against the said Ed. H. Reid. That the said defendant Ed. H. Reid be confined in the common jail of Arapahoe county, at hard labor, for the full period of six months from this day.

We therefore command you, the sheriff of the said county of Arapahoe, that you take the body of the said Ed. H. Reid, and him safely convey to the common jail of Arapahoe county, and there him safely keep and detain, according to the judgment of our said district court as aforesaid.

Witness, Otis B. Spencer, clerk of our said court, and the seal thereof, at Denver, in said county, this 26th day of June, A. D. 1901.

OTIS B. SPENCER, *Clerk.*
[SEAL.] H. W. PROUTY,
Deputy Clerk.

(Endorsed:) 14967—Mittimus—District court, Arapahoe county, April term, A. D. 1901, Ed. H. Reid,—Sentence —. Expires —— —.

STATE OF COLORADO, } ss:
County of Arapahoe, }

I, Otis B. Spencer, clerk of the district court of Arapahoe
6 county, State aforesaid, do hereby certify the above and foregoing to be a true, complete, and perfect transcript and copy of mittimus had and entered of record in a certain cause in said court lately depending wherein The People of the State of Colorado, — plaintiff, and Ed. H. Reid, defendant, as the same now remains on file and of record in this office.

Witness my hand and seal of said court, at the court-house in Denver, county and State aforesaid, this 26th day of June, A. D. 1901.

OTIS B. SPENCER, *Clerk.*
[SEAL.] H. W. PROUTY,
Deputy Clerk.

EXHIBIT B.

STATE OF COLORADO, } ss:
County of Arapahoe, }

In the District Court, April Term, A. D. 1901.

THE PEOPLE OF THE STATE OF COLORADO }
against }
ED. H. REID. }

Henry A. Lindsley, district attorney within and for the second judicial district of the State of Colorado, in the county of Arapahoe, in the State aforesaid in the name and by the authority of the People of the State of Colorado, informs the court that Ed. H. Reid, on, to wit, the twentieth day of June in the year of our Lord nineteen hundred and one, at the county of Arapahoe aforesaid, unlawfully did bring and drive and cause to be brought and driven into the State of Colorado, and into the county of Arapahoe thereof, between the first day of April and the first day of November in said year, eight hundred and eighty-two head of cattle, from cer-
7 tain counties south of the 36° parallel of north latitude, to wit, the counties of Lubbock and Cochran, in the State of Texas, without said cattle having been held at some place north of said parallel of latitude, for a period of at least ninety days prior to their importation into said State of Colorado, and without said Ed. H. Reid, the person owning and having charge of said cattle, having at any time procured from the State veterinary sanitary board of the State of Colorado, a certificate or bill of health to the effect that said cattle were free from all infectious or contagious diseases, and had not been exposed at any time within ninety days prior thereto to any of said diseases, but, on the contrary, having refused and declined to procure or permit any one for him to procure such certificate or bill of health, and having refused and declined to pay or allow or permit any one for him to pay the expense of any inspection so as by the act hereinafter referred to should be paid, all of said acts of said Ed. H. Reid being done without a compliance with and in violation of, the provisions of section two of an act of the General Assembly of the State of Colorado, entitled "An act to prevent the introduction of any infectious or contagious disease among the cattle and horses of this State" approved March 21, 1885, and found at page three hundred and thirty-six of the Session Laws of 1885, of said State of Colorado; contrary to the form of the statute in such case made and provided and against the peace and dignity of the people of the State of Colorado.

HENRY A. LINDSLEY,
District Attorney.
By J. E. McINTYRE, *Deputy.*

(Endorsed:) 1176—United States of America, district of Colorado—In the circuit court of the United States within and for the

district of Colorado—In the matter of Ed. H. Reid—Petition for *habeas corpus*—Filed Jun- 26, 1901—Robert Bailey, clerk—Talbot, Denison, and Wadley, attorneys for petitioner.

8 Thirty-sixth day, May term, Thursday, June 27th, A. D. 1901.

Present: The Honorable Moses Hallett, district judge, and the Honorable John A. Riner, district judge of the district of Wyoming, assigned to the district of Colorado, and other officers as noted on the seventh day of May last past.

And before the Honorable Moses Hallett, district judge, the following proceedings were had:

In the Matter of the Petition of ED. H. REID for a Writ of *Habeas Corpus*. 4176.

On reading and filing the petition of E. H. Reid, duly signed and verified by him, whereby it appears that he is imprisoned and restrained of his liberty by Robert J. Jones, sheriff of the county of Arapahoe, in the State of Colorado, at the county jail of the said county, and stating wherein the illegality consists, containing a copy of the original warrant of arrest issued by the district court of Arapahoe county, Colorado, and having heard John H. Denison, Esquire, counsel for the petitioner, and Charles C. Post, Esquire, attorney general counsel for the State of Colorado, against the granting of the writ of *habeas corpus*, it appears to the court that a writ of *habeas corpus* ought to issue:

Wherefore it is ordered that a writ of *habeas corpus* issue out of and under the seal of the said circuit court, directed to the
9 said Robert J. Jones, sheriff as aforesaid, commanding him to have the body of the said Ed. H. Reid, before me in the court-room of the said court on Saturday the 29th day of June, A. D. 1901, at the hour of 10 o'clock a. m. to do and receive what shall then and there be considered concerning the said Ed. H. Reid, together with the time and cause of his detention, and that he have then and there the said writ.

UNITED STATES OF AMERICA, } *ss:*
District of Colorado, }

In the Circuit Court of the United States within and for the District of Colorado, Sitting at Denver.

In the Matter of ED. H. REID.

The President of the United States of America to Robert J. Jones, sheriff of the county of Arapahoe and State of Colorado, Greeting:

You are hereby commanded to be and appear before the circuit court of the United States, within and for the State of Colorado, at the court-room thereof in the city of Denver, on Saturday, the twenty-ninth (29) day of June, A. D. 1901, at ten o'clock in the forenoon, and that you have with you the body of Ed. H.
10 Reid, now in your custody, and that you certify and make known the day and cause of the caption and detention of the

said Ed. H. Reid, and that you then and there do, submit to, and receive whatsoever the said court shall determine upon concerning you in this behalf, according to law, and have you then and there this writ. To the marshal of the United States for the district of Colorado, to make due and legal service and return.

Witness the Honorable Melville W. Fuller, Chief Justice of the Supreme Court of the United States of America, and the seal of said circuit court, at the city of Denver, this 27th day of June, A. D. 1901, and of the Independence of the United States, the one hundred and twenty-fifth year.

[SEAL.] ROBERT BAILEY, *Clerk.*

(*Marshal's Return.*)

UNITED STATES OF AMERICA, } ss:
District of Colorado, }

I hereby certify that I received the within writ on the 27th day of June, A. D. 1901, and that I have duly executed the same on Robert J. Jones, sheriff of Arapahoe county, by delivering a true copy of this writ to W. O. Shirey, a deputy sheriff of Arapahoe county, personally, on the 27th day of June, 1901, at Denver and county of Arapahoe.

DEWEY C. BAILEY,
U. S. Marshal.

11 (Endorsed:) 1176—U. S. circuit court—*In re* Ed. H. Reid—Writ of *habeas corpus*—Filed Jun- 29, 1901. Robert Bailey, clerk.

UNITED STATES OF AMERICA, } ss:
District of Colorado, }

In the Circuit Court of the United States within and for the District of Colorado, Sitting at Denver.

In the Matter of the Application of ED. H. REID for a Writ of *Habeas Corpus.* Return to Writ.

To the circuit court of the United States within and for the State of Colorado and to Honorable Moses Hallett, judge thereof:

Robert J. Jones, the defendant in the within writ, for a return thereto, respectfully submits to said court and to your honor, the judge thereof, that at the time of the service of the within writ he was and still is the duly elected, qualified, and acting sheriff of Arapahoe county, Colorado.

That before and at the time of the coming of this writ he held and detained and still has in custody, said Ed. H. Reid by virtue of a certain warrant of commitment and therein and thereon named and designated as a "mittimus" issued by the district court of the

second judicial district of the State of Colorado, and directed
12 to the sheriff of said Arapahoe county, a true copy of which said warrant of commitment or mittimus as called, is hereunto attached and made a part hereof.

Nevertheless, the body of the said Ed. H. Reid, this defendant now has before your honor, together with the said writ, as therein commanded.

ROBERT J. JONES,
Sheriff of Arapahoe County, Colorado.
By PERRY A. CLAY,
Under Sheriff.

(*Copy of Mittimus.*)

STATE OF COLORADO, } ss:
County of Arapahoe, }

The People of the State of Colorado to the sheriff of Arapahoe county:

Whereas at the April term last past of our district court of Arapahoe county, upon a certain information in our said court, against one Ed. H. Reid, for the crime of bringing, driving, and causing to be brought and driven into the State of Colorado, cattle without complying with and in violation of "An act of the General Assembly of the State of Colorado entitled 'An act to prevent the introduction of any infectious or contagious disease among the cattle and horses of this State'" approved March 21st, 1885, depending, judgment
13 was in our said district court on the 26th day of June last past, given against the said Ed. H. Reid. That the said defendant Ed. H. Reid be confined in the common jail of Arapahoe county at hard labor for the full period of six months from this day.

We therefore command you, the sheriff of the said county of Arapahoe, that you take the body of the said Ed. H. Reid and him safely convey to the common jail of Arapahoe county, and there him safely keep and detain, according to the judgment of our said district court as aforesaid.

Witness, Otis B. Spencer, clerk of our said court, and the seal thereof, at Denver, in said county, this 26th day of June, A. D. 1901.

[SEAL.] OTIS B. SPENCER, *Clerk.*
By H. W. PROUTY, *Deputy Clerk.*

(Endorsed:) Expires Dec. 26, 1901, 14967—Mittimus—District court, Arapahoe county—April term, A. D. 1901—Ed. H. Reid.

(Endorsed:) No. 4176—In U. S. circuit court—*In re* application of Ed. H. Reid for writ of *habeas corpus*—Return to writ of *habeas corpus*—Filed June 29, 1901, Robert Bailey, clerk by Charles W. Bishop, deputy clerk.

14 UNITED STATES OF AMERICA, } ss:
District of Colorado, }

In the Circuit Court of the United States within and for the District of Colorado.

In the Matter of the Application of ED. H. REID for the Writ of *Habeas Corpus.*

Comes now, Ed. H. Reid, the petitioner herein, by Talbot, Denison, and Wadley, his attorneys herein, and demurring to the return herein filed, says, that the same is insufficient in law.

RALPH TALBOT,
JOHN H. DENISON,
WILLIAM H. WADLEY,
Attorneys for Petitioner.

(Endorsed:) No. 4176—In the circuit court of the United States within and for the district of Colorado—In the matter of the application of Ed. H. Reid for the writ of *habeas corpus*—Demurrer to the return of respondent—Filed Jun- 29, 1901. Robert Bailey, clerk—Talbot, Denison, and Wadley, attorneys for petitioner.

15 39th day, Monday, July 1st, A. D. 1901.

Present: The Honorable Moses Hallett, district judge and other officers as noted on the seventh day of May last past.

In the Matter of the Petition of ED. H. REID for a Writ of *Habeas Corpus.* 4176.

The demurrer to the return to the writ of *habeas corpus* heretofore issued herein having heretofore come on to be heard and having been argued by Ralph Talbot, Esquire, attorney for the petitioner and by C. C. Post, Esquire, attorney general of the State of Colorado, for the respondent, and having been taken under advisement and the court having considered the same and being now fully advised in the premises, it seemeth to the court now here that the return to the writ of *habeas corpus* is sufficient in law and so the demurrer is hereby overruled.

Wherefore, it is considered by the court that the said petitioner be remanded to the custody of the sheriff of Arapahoe county, from whence he came, and that the said petition be dismissed at the cost of the petitioner to be taxed.

And thereupon the petitioner by Ralph Talbot, Esquire, his attorney, prays an appeal from this order to the Supreme Court of the United States, which is allowed to him, but upon the condition,
16 nevertheless, that he give bond on such appeal in the sum of five hundred dollars ($500).

And it is further ordered by the court that upon perfecting his appeal as aforesaid, the said petitioner be admitted to bail before a commissioner of the district court in the sum of five hundred dollars

($500) for his appearance before the circuit court of the United States for the district of Colorado, at the next term of said circuit court, and from day to day and from term to term thereafter, and to abide and fulfil the order of the Supreme Court of the United States and the said circuit court in all things touching the judgment aforesaid, and the custody of the sheriff of Arapahoe county of the said petitioner.

UNITED STATES OF AMERICA, } ss:
District of Colorado, }

In the Circuit Court of the United States within and for the District of Colorado.

In the Matter of the Application of Ed. H. REID for the Writ of *Habeas Corpus.* No. 4176.

Know all men by these presents, that we, Ed. H. Reid, as principal, and William E. Hughes and Elijah Bosserman, as sureties, are held and firmly bound unto the United States of America, in
17 the full and just sum of five hundred dollars ($500) to be paid to the United States of America, to which payment well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally by these presents.

Sealed with our seals and dated this first day of July, in the year of our Lord, nineteen hundred and one.

Whereas, lately at the May term, A. D. 1901, of the circuit court of the United States for the district of Colorado, in a suit depending in said court, wherein Ed H. Reid was petitioner in his application to the said court for the writ of *habeas corpus* against his detention by the sheriff of Arapahoe county, Colorado, upon an alleged violation of the Constitution of the United States, and of the laws of the United States, by virtue of a mittimus theretofore issued by the district court of the State of Colorado, sitting within and for the county of Arapahoe wherein in said the circuit court of the United States for the district of Colorado, judgment was rendered against the said Ed. H. Reid, petitioner therein, overruling the demurrer of the said Ed. H. Reid to the return of the sheriff of Arapahoe county, and remanding the said Ed. H. Reid to the custody of said sheriff of said Arapahoe county, and wherein the said Ed. H. Reid has obtained an appeal from the Supreme Court of the United States to reverse the judgment herein.

18 Now the condition of the above obligation is such, that if the said Ed. H. Reid shall appear, either in person or by attorney, in the Supreme Court of the United States on such day or days as may be appointed for the hearing of said cause in said court, and prosecute his said appeal, and shall abide by and obey all orders made by the Supreme Court of the United States in said cause, and shall surrender himself in execution of the judgment appealed from as said court may direct, if the judgment against him shall be affirmed, and if he shall appear in the circuit court of the United States for the district of Colorado at the next term thereof, and on such day or days as may be appointed by said circuit court

of the United States and abide by and obey all orders made by said court, provided the judgment against him shall be reversed by the Supreme Court of the United States; then the above obligation to be void, otherwise to remain in full force, virtue, and effect.

EDWARD H. REID. [SEAL.]
WILLIAM E. HUGHES. [SEAL.]
ELIJAH BOSSERMAN. [SEAL.]

Approved July 1st, 1901.
ADOLPHUS B. CAPRON,
United States Commissioner for the District of Colorado.

19 (Endorsed:) No. 4176—In the circuit court of the United States within and for the district of Colorado—In the matter of the application of Ed. H. Reid for the writ of *habeas corpus*—Bond for appearance of petitioner—Filed Jul- 1, 1901, Robert Bailey, clerk—Talbot, Denison, and Wadley, attorneys for petitioner.

Know all men by these presents: that we, Ed. H. Reid, as principal, and Jno. W. Springer and G. H. Adams as sureties, are held and firmly bound unto Robert J. Jones, sheriff of Arapahoe county, Colorado, in the full and just sum of five hundred (500) dollars, to be paid to the said Robert J. Jones, sheriff as aforesaid, his executors, administrators, or assigns; to which payment well and truly to be made, we bind ourselves, our heirs, executors, and admin-
20 istrators, jointly and severally by these presents. Sealed with our seals and dated this eighth day of July in the year of our Lord one thousand nine hundred and one.

Whereas, lately at a term of the circuit court of the United States for the district of Colorado, in a suit depending in said court, upon a petition of the said Ed. H. Reid for a writ of *habeas corpus*, a judgment was rendered remanding the said Ed. H. Reid to the custody of Robert J. Jones, sheriff of Arapahoe county, Colorado, respondent in said cause, and the said Ed. H. Reid having obtained an order allowing an appeal to the Supreme Court of the United States and filed a copy thereof in the clerk's office of the said court to reverse the judgment in the aforesaid suit, and a citation directed to the said Robert J. Jones, sheriff as aforesaid, citing and admonishing him to be and appear at a Supreme Court of the United States at Washington, within thirty days from the date hereof.

Now the condition of the above obligation is such that if the said Ed. H. Reid shall prosecute said appeal to effect, and answer all damages and costs, if he fail to make his plea good, then the above obligation to be void; else to remain in full force and virtue.

ED. H. REID. [SEAL.]
21 JNO. W. SPRINGER. [SEAL.]
G. H. ADAMS. [SEAL.]

Sealed and delivered in presence of—
ROBERT BAILEY.
LEONARD DATES.

Approved by—
MOSES HALLETT, *Judge*.

(Endorsed:) 4176—In the circuit court of the United States for the district of Colorado, sitting at Denver—In the matter of the application of Ed. H. Reid for a writ of *habeas corpus*—Appeal bond—Filed Jul- 8, 1901, Robert Bailey, clerk—Talbot, Denison, and Wadley, attorneys for petitioner.

22 UNITED STATES OF AMERICA, } ss:
District of Colorado, }

In the Circuit Court of the United States for the District of Colorado, Sitting at Denver.

In the Matter of the Application of ED. H. REID for a Writ of *Habeas Corpus.*

The clerk will prepare a transcript of the record in this cause on appeal to the Supreme Court of the United States, at Washington, composed of the following pleadings and proceedings, to wit:

Petition for a writ of *habeas corpus* of Ed. H. Reid.

The issuance of a writ of *habeas corpus.*

The return of the respondent to said writ.

The demurrer of petitioner to said return of respondent.

Orders of hearing, judgment, and order of court overruling said demurrer and remanding Ed. H. Reid to the custody of the — Robert J. Jones, sheriff of Arapahoe county, Colorado.

Exceptions to judgment and order.

Appeal prayed to Supreme Court of the United States.

Order for bail bond;

Order for appeal bond.

Allowance of appeal to Supreme Court of the United States.

Permission to attach to bill of exceptions Exhibits A, B, C, D, and E.

Assignments of error.

Citation,

23 Certificate.

Approval and filing of bail bond.

Approval and filing of appeal bond.

TALBOT, DENISON AND WADLEY,
Attorneys for Petitioner, Ed. H. Reid.

(Endorsed:) 4176—U. S. circuit court—*In re* petition of Ed. H. Reid for writ of *habeas corpus*—Praecipe—Filed Jul- 8, 1901—Robert Bailey, clerk.

UNITED STATES OF AMERICA, } ss:
District of Colorado, }

In the United States Circuit Court within and for said District.

In the Matter of the Application of Ed. H. Reid for a Writ of *Habeas Corpus.*

Comes now the said Ed. H. Reid, petitioner herein, by Talbot, Denison and Wadley, his attorneys, and objects to the order and

judgment of the court this day made in the above-entitled cause, and assigns the following errors therein, to wit:

1. The court erred in overruling the demurrer of the said
24 Ed. H. Reid, petitioner, to the return of Robert J. Jones, respondent herein, sheriff of Arapahoe county, State of Colorado.

2. The court erred in remanding the said Ed. H. Reid, petitioner, to the custody of Robert J. Jones, respondent herein, sheriff of Arapahoe county, State of Colorado, and in dismissing said petition.

3. The conviction of petitioner, Ed. H. Reid, in the district court of the State of Colorado was illegal, and he should have been discharged by this court from said imprisonment for the reason that the statute of the State of Colorado, approved March 21, 1885, and under which he was prosecuted and convicted is repugnant to the provision of the Constitution of the United States giving Congress power to regulate commerce among the States (U. S. Cons. art I, sec. 8 subd. 3) as well as to the provision declaring that the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States (U. S. Cons. art. 4 sec. 2).

4. The Congress of the United States having passed an act establishing a Bureau of Animal Industry (Supp. R. S. U. S. vol. 1, 435 chap. 60 secs. 3, 6, and 9) and said Bureau of Animal Industry having promulgated its rules in pursuance of said act in the regulation of the exportation from this country and the importation into this country and the transportation of domestic animals from one State into another, this court erred in not declaring the act
25 of the General Assembly of the State of Colorado (Session Laws, 1885, page 343) under which this prosecution was had, to be null and void, as imposing unnecessary burdens and restrictions upon interstate commerce in the following particulars, to wit:

(A.) It works a detention of cattle already inspected by the Federal authorities and to which a bill of health has already been issued by such Federal authorities.

(B.) It places a burden upon interstate commerce by the imposition of fees upon the shipper for such additional State inspection.

(C.) It is an unwarrantable and unnecessary interference with the transportation of cattle from one State into another, a matter wholly within the final and exclusive jurisdiction of Congress under the laws of the United States.

(D.) Since the act of Congress and the rules and regulations of the Bureau of Animal Industry have undertaken to control the matter of the quarantine and inspection of cattle in transportation from one State to another, such transportation becomes, *ipso facto*, interstate commerce, and no State can legislate therein, either by passing laws conflicting with such congressional acts and rules and regulations, or imposing restrictions or burdens thereon under the guise of police or quarantine regulations.

(E.) To permit the States of the Union to impose upon the
26 shipper of cattle, billed for transportation from one State to another and holding a United States certificate or bill of health to such cattle subjects the shipper to the stoppage and deten-

tion of his cattle upon the State line of all intermediate States, and subjects him to the payment of fees for such inspection, notwithstanding the fact that his cattle are, as Mr. Reid's cattle were, actually free from contagious or infectious disease, and notwithstanding the fact that the shipper holds a certificate of freedom from such infectious or contagious diseases, issued by inspectors of the Bureau of Animal Industry, under authority of the act of Congress hereinbefore cited.

5. The court erred in failing and refusing to sustain petitioner's demurrer to the sufficiency of the return of respondent herein.

6. The court erred in failing and refusing to order petitioner to be discharged from the custody of the sheriff, and in dismissing the petition.

Wherefore, this petitioner prays that the order and judgment aforesaid may be reversed, annulled, and altogether holden for naught, and that he be discharged from custody, and that the statute of the State of Colorado be declared to be null and void as an unwarranted interference with interstate commerce.

TALBOT, DENISON AND WADLEY,
Att'ys for Pl'ff.

(Endorsed:) 4176—In the United States circuit court for the district of Colorado—In the matter of the application of Ed. H. Reid for a writ of *habeas corpus*—Assignment of errors—Filed Jul. 10, 1901—Robert Bailey, clerk—Talbot, Denison, and Wadley, att'ys for petitioner.

27 *Bill of Exceptions.*

UNITED STATES OF AMERICA, }
District of Colorado, } *ss:*

In the Circuit Court of the United States for the District of Colorado.

In the Matter of the Application of ED. H. REID for a Writ of *Habeas Corpus.*

Appearances: Talbot, Denison and Wadley, attorneys for petitioner; C. C. Post, attorney general of the State of Colorado; Caesar A. Roberts and T. E. McIntyre, attorneys for respondent.

Be it remembered, that on the 29th day of June, A. D. 1901, the same being one of the regular juridical days of the May term, 1901, of said court, the above-entitled cause came on in its order for hearing upon the petitioner's demurrer to the return of respondent herein; whereupon, it was stipulated in open court that certain memoranda, to wit, certain rules and regulations concerning cattle transportation issued by the authority and under the direction of the Bureau of Animal Industry of the United States Department of Agriculture, marked Exhibit A, and a certain Government certificate or Federal bill of health issued to said Ed. H. Reid, upon the 882 head of cattle by him imported into Colorado and consigned to

Moorcroft, State of Wyoming, and issued by a United States
28 inspector of the Bureau of Animal Industry, marked Exhibit B—and a certain letter of Hon. D. E. Salmon, chief of the Bureau of Animal Industry, marked Exhibit C, and a certain quarantine proclamation of the Honorable James B. Orman, governor of the State of Colorado marked Exhibit D, and certain quarantine regulations for the State of Colorado for the year 1901, issued by the authority and under the order and direction of the Colorado veterinary sanitary board, marked Exhibit E, be considered by the court and that the same be made a part of the record herein; said exhibits being respectively in words and figures, as follows, to wit:

EXHIBIT A.

United States Department of Agriculture.

(B. A. I. order No. 80.)

Regulations Concerning Cattle Transportation.

U. S. DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
WASHINGTON, D. C., *December* 10, 1900.

To managers and agents of railroads and transportation companies of the United States, stockmen, and others:

In accordance with section 7 of the act of Congress approved May 29, 1884, entitled "An act for the establishment of a Bureau of Animal Industry, to prevent the exportation of diseased cattle, and provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals," and of the act of Congress approved May 25, 1900, making appropriation for the Department of Agriculture for the fiscal year ending June 30, 1901, you are hereby notified that a contagious and infectious disease known as splenetic, Southern or Texas fever exists among cattle in the following-described area:

29 1. All that country lying south, or below, a line beginning at the northwest corner of the State of California; thence east south and southeasterly along the boundary line of said State of California to the southeastern corner of said State; thence southerly along the western boundary line of Arizona to the southwest corner of Arizona; thence along the southern boundary lines of Arizona and New Mexico to the southeastern corner of New Mexico; thence northerly along the eastern boundary of New Mexico to the southern line of the State of Colorado; thence along the southern boundary lines of Colorado and Kansas to the southeastern corner of Kansas; thence southerly along the western boundary line of Missouri to the southwestern corner of Missouri; thence easterly along the southern boundary line of Missouri to the western boundary line of Dunklin county; thence southerly along the said western boundary to the southwestern corner of Dunklin county; thence easterly along the southern boundary line of Missouri to the Missis-

sippi river; thence northerly along the Mississippi river to the northern boundary line of Tennessee at the northwest corner of Lake county; thence easterly along said boundary line to the northeast corner of Henry county, thence in a northerly direction along the boundary of Tennessee to the northwest corner of Stewart county; thence in an easterly direction along the northern boundary of Tennessee to the southwestern corner of Virginia; thence northeasterly along the western boundary line of Virginia to the northernmost point of Virginia; thence southerly along the eastern boundary line of Virginia to the northeast corner of Virginia, where it joins the southeastern corner of Maryland, at the Atlantic ocean.

2. Whenever any State or Territory located above or below said quarantine line, as above designated, shall duly establish a different quarantine line, and obtain the necessary legislation to enforce said last-mentioned line strictly and completely within the boundaries of said State or Territory, and said last above mentioned line and the measures taken to enforce it are satisfactory to the Secretary of Agriculture, he may, by a special order, temporarily adopt said State or territorial line.

Said adoption will apply only to that portion of said line specified, and may cease at any time the Secretary may deem it best for the interests involved, and in no instance shall said modification exist longer than the period specified in said special order; and at the expiration of such time, said quarantine line shall revert without further order to the line first above described.

Whenever any State or Territory shall establish a quarantine line for above purposes differently located from the above-described line, and shall obtain by legislation, the necessary laws to enforce the same completely and strictly, and shall desire a modification of the Federal quarantine line to agree with such State or territorial line, the proper authorities of such State or Territory shall forward to the Secretary of Agriculture a true map or description of such line and a copy of the laws for enforcement of same, duly authenticated and certified.

3. From the first day of January, 1901, no cattle are to be transported from said area south, or below, said Federal quarantine line above described to any portion of the United States above—north, east or west of the above-described line, except as hereinafter provided.

4. Cattle from said area may be transported by rail or boat for immediate slaughter, and when so transported the following regulations must be observed.

(*a.*) When any cattle in course of transportation from said area are unloaded above—north, east or west of—this line to be fed or watered, or for other purposes, said cattle shall be placed in pens or yards set apart for infected cattle, and no other cattle shall be admitted thereto.

(*b.*) On unloading said cattle at their points of destination chutes, alleyways, and pens, sufficiently isolated, shall be set apart to receive them, and no other cattle shall be admitted to said chutes, pens and alleyways; and the regulations relating to the movement

of cattle from said area, prescribed by the cattle sanitary officers of the State where unloaded, shall be carefully observed. The
31 cars or boats that have carried said stock shall be cleansed and disinfected as soon as possible after unloading and before they are again used to transport, store or shelter animals or merchandise.

(*c.*) All cars carrying cattle from said area shall bear printed placards, the letters of which shall be plain and not less then 1½ inches in height, to be affixed by the railroad company hauling the same, stating that said cars contain southern cattle; and each of the waybills, conductors' manifests, and bills of lading of said shipments by cars or boats shall have a note plainly written or stamped upon its face with a similar statement. Whenever any cattle have come from said area and shall be reshipped from any point at which they have been unloaded to other points of destination the cars carrying said animals shall bear similar placards with like statements and the waybills, conductors' manifests, or bills of lading, be so stamped. At whatever point these cattle are unloaded they must be placed in separate pens to which no other cattle shall be admitted.

(*d.*) No boat having on board cattle from said district shall receive on board cattle from outside of said district. Cattle from said district shall not be received on board when destined to points outside of said district where proper facilities have not been provided for transferring the said cattle from the landing to the stock yards and slaughter-houses without passing over public highways unless permission for such passing is first obtained from the local authorities.

(*e.*) The cars and boats used to transport such animals, the chutes, alleyways and pens used during transportation and at points of destination shall be disinfected in the following manner:

Remove all litter and manure. This litter and manure may be disinfected by mixing it with lime or saturating it with five per cent. solution of one hundred per cent. carbolic acid; or if not disinfected, it may be stored where no cattle can come in contact with it during the period from February 1 to November 15 of each year.

Wash the cars and the feeding and watering troughs with
32 water until clean.

Saturate the entire interior surface of the cars and the fencing, troughs, and chutes of the pens with a mixture made of 1½ pounds of lime and one-quarter pound of 100 per cent. straw-colored carbolic acid to each gallon of water; or a solution made by dissolving four ounces of chloride of lime to each gallon of water may be used; or disinfect the cars with a jet of steam under a pressure of not less than fifty pounds to the square inch.

5. Cattle from the Republic of Mexico may be admitted into the United States, after inspection according to law, as follows:

Cattle free from splenetic or Texas fever, and from contact therewith during the three months preceding such inspection, and which have been grazed in a locality free from infection of such fever, may be admitted into any part of the United States. If destined to

points in the non-infected area, a special permit must be obtained from an inspector of the Bureau of Animal Industry, said permit being issued according to the regulations of said bureau; the cattle for which said permit is issued must not be driven through the affected area, nor be unloaded in any part thereof except at such a point as may be duly designated by an order issued by this department; if shipped in infected cars, or unloaded in the infected area, except as above stated, they will be subject to the regulations concerning infectious cattle.

6. Notice is hereby given that cattle infested with the *Boophilus bovis*, or southern cattle tick, disseminate the contagion of splenetic, Southern, or Texas fever, therefore cattle originating outside of the district described by this order, or amendments thereof, and which are infested with the *Boophilus bovis* ticks, shall be considered as infectious cattle and shall be subject to the rules and regulations governing the movement of southern cattle.

7. Stock yard companies receiving cattle infested with said ticks shall place such cattle in the pens set aside for the use of southern cattle, and transportation companies are required to clean and
33 disinfect all cars and boats which have contained the same, according to the requirements of this department.

8. Inspectors are instructed to see that disinfection is properly done, and to report instances of improper disinfection. It is expected that transportation and stock-yard companies will promptly put into operation the above methods.

All prior orders conflicting herewith are hereby revoked.

JAMES WILSON, *Secretary.*"

(B. A. I. order No. 80, amendment No. 10.)

Regulations Concerning Cattle Transportation.

Feeding stations at Fort Worth and Baird, Texas; Bakersfield, California, and Salisbury, North Carolina.

U. S. DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
WASHINGTON, D. C., *January* 31, 1901.

It is hereby ordered, that cattle originating outside, north, east and west of the quarantine line as defined in Bureau of Animal Industry order No. 80 (December 10, 1900), or amendments thereto and which are to be transported by rail through the quarantined district, which may be unloaded for rest, feed and water into uninfected pens set apart for such cattle at Union stock yards, Fort Worth and Baird, Texas; Bakersfield, California; and at Salisbury, North Carolina providing the cattle are free from southern cattle ticks and have not been unloaded at any other place within the quarantined district. They may, after unloading into said pens, be reloaded into the same cars from which unloaded, or into other cleaned and disinfected cars, and reshipped as uninfected cattle.

All prior orders conflicting herewith are hereby revoked.

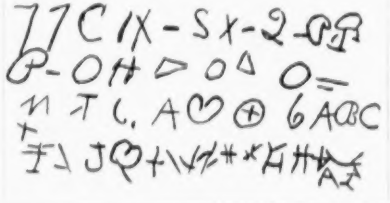
JAMES WILSON, *Secretary.*

(Amendments Nos. 1 to 9 were issued as B. A. I. orders Nos. 81 to 89.)

34 EXHIBIT B.

"UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY, No. B, 44,
HEREFORD, TEXAS, *June* 18, 1901.

This is to certify that I have this day carefully inspected 882 head of neat cattle, marked, branded and classified as follows:

Number.	Age.	Kind.	Ranch brands, R. or L. side.	Shippers' brands.
882	2 yr.	Steers.		Either side.

and find them free from Texas, or splenetic fever infection (*Boophilus bovis*) or any other infectious or contagious disease.

The above-described 882 cattle are from the counties of Lubbock and Cochran, State of Texas, and no Texas fever infection is known to exist where they have been kept or on the trail over which they have passed.

To Moorcroft, Wyo.

ARTHUR C. HART,
Ass't Inspector, Bureau of Animal Industry.

Animals which have been inspected and certified by an inspector of the U. S. Bureau of Animal Industry, and are free from disease have the right to go into any State, and be sold for any purpose, without further inspection or the exaction of fees."

EXHIBIT C.

U. S. DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
No. 5712. WASHINGTON, D. C., *December* 5, 1899.

35 Mr. Albert Dean, Kansas City, Kansas.

SIR: Referring to the letter of Mr. Taylor Riddle, secretary live stock sanitary commission of Kansas, of November 8, 1899, addressed to you, and which you forwarded under date of November

9, for my information, I would say that I have not issued instructions at an earlier date regarding the points raised by Mr. Riddle, as I desired to carefully examine the decisions of the Supreme Court bearing upon the right of the States to levy inspection fees or taxes upon articles of interstate commerce. Having gone over the decisions bearing upon this subject, I am of the opinion that the Supreme Court has definitely decided that such charges are unconstitutional, and that it is equally unconstitutional for the State to inspect cattle before such animals reach its borders, especially where Congress has already acted and there is a Federal inspection in operation.

While it is the desire of this department to co-operate with the live stock sanitary boards of the different States, it would be clearly improper to go beyond legitimate co-operation and assist any State board in unjustly and illegally collecting fees from persons engaged in interstate commerce. For this reason you will please have the bureau inspectors inspect animals going from one State to another in all cases where they are offered to them for inspection or where they come under their observation and in case information is asked by the shippers as to their rights you will say to them that it is the opinion of this department that the collection of such fees by any State board is unconstitutional, and that animals which have been inspected and certified by the department inspectors have the right to go into any State and be sold without the exaction of further inspection or inspection fees. After such cattle have gone into a State and have been sold and have become a part of the property of the State, they are subject to State laws the same as animals native to that State.

While saying this, it should be understood that there is no desire on the part of the department to cause friction between its
36 inspection service and the inspection service of any State, and that consequently, you are to be conservative in your action and in your remarks concerning the State regulations. At the same time it is due to those engaged in the interstate shipment of cattle that the views of this department be known, and above all that the Federal inspectors take no part in forcing upon such shippers an inspection for which a local fee is demanded.

Very respectfully, D. E. SALMON,
Chief of Bureau.

EXHIBIT D.

Quarantine Proclamation.

Whereas, under the provisions of the law of this State, the State veterinary sanitary board has this day reported to me that certain contagious and infectious diseases exist in certain localities, and that there are conditions which render domestic animals from such localities liable to convey such disease, it is therefore ordered that the importation into this State of all live stock from said localities shall be prohibited, unless accompanied by a certificate of health given by the State veterinary sanitary board or its duly authorized agents, who shall examine and inspect all such live stock under the rules

and regulations authorized by law and adopted by the State veterinary sanitary board hereto attached.

And I do hereby warn all corporations, persons and companies preceding the arrival at the boundary line of the State of Colorado, of all such cattle as come within the provisions of this proclamation, to give due and full notice thereof to the secretary of the State veterinary sanitary board or the board's duly authorized inspectors.

In witness whereof, I have hereto set my hand and caused
37 the seal of the State of Colorado to be affixed at Denver, Colorado, this sixth day of May, 1901.

JAMES B. ORMAN, *Governor.*

Attest: DAVID A. MILLS,
Secretary of State.

Exhibit E.

State of Colorado:

Cattle Quarantine Regulations for 1901.

By order of the State veterinary sanitary board.

Bradford H. Du Bois, president, Denver, Colorado.
J. W. Bowles, vice-president, Littleton, Colorado.
Edwin R. Stark, Colorado Springs, Colorado.
Dr. A. B. McCapes, secretary and State veterinary surgeon, the Capitol, Denver, Colorado.

Denver, Colo., *May* 4, 1901.

The following regulations will govern the admission of southern cattle into the State of Colorado during the year 1901, or until further notice:

First. All persons desirous of bringing cattle into or through the State of Colorado from the States of Texas and California and the Territory of Oklahoma, or from any other State or Territory, or portions of any other State or Territory, lying south of the thirty-six parallel of north latitude, between the first day of April and the first day of November, must show by affidavit of two responsible parties whose reliability shall be certified to by the clerk of a county or district court, or by a duly qualified notary public:

(*a.*) Name and post-office address of the owner, consignor and consignee.

(*b.*) The brand or brands on all of said cattle.

(*c.*) The county or counties and State in which said cattle
38 have been held during the preceding ninety days, and the total number demanding entry.

Second. Each railroad shipment, or herd, if driven, must be accompanied by a certified copy of the original affidavit.

Third. Unless satisfactory proof is presented to the State veterinary sanitary board, or to one of its duly authorized inspectors, that said cattle have been held at least ninety days above a line drawn as below, known as Government fever line, such cattle will be

deemed liable to convey Texas or splenetic fever, and will be refused admittance into or through Colorado, and any attempt to bring, drive, or cause to be brought or driven, such animals into the State will be a violation of the rules and regulations of this board, and will render any person or persons so violating or attempting to violate these regulations subject to the penalties prescribed by law for any infringement thereof, and such animals so brought into the State contrary to these regulations will be held in quarantine, at the risk and expense of the owner, for such period as may be deemed necessary by said board.

The above-mentioned fever line shall commence on the Pacific coast at the northern boundary line of Monterey county; thence easterly along the northern boundary line of Monterey and San Benito counties to the western boundary of Merced county; thence northerly, easterly and southerly along the western, northern and eastern boundary line of Merced county to the southeast corner thereof; thence northeasterly along the northern boundary of Madera county to the northeast corner thereof; thence southerly and easterly along the eastern boundary of Madera, Fresno and Tulare counties to the southeast corner of Tulare county; thence easterly along the southern boundary line of Inyo county to its intersection with the eastern boundary line of the State of California; thence southerly along the eastern boundary line of California to southeast corner of said State; thence southerly along the western boundary of Arizona to the southwest corner of said State; thence easterly along the southern boundary lines of Arizona and New Mexico to the intersection of the southern
39 boundary of New Mexico with the international boundary line at the Rio Grande river; thence southeasterly along the said international boundary line to the southwest corner of the county of Pecos; thence following the western boundary of Pecos county to the southeast corner of Reeves county; thence following the boundary line between the counties of Pecos and Reeves to the Pecos river; thence southeasterly, following the Pecos river, to the northwest corner of Crockett county; thence east along the northern boundary of Crockett and Schleicher counties to the southeastern corner of Irion county; thence north along eastern boundary of Irion county to the northeast corner of said county; thence north to the southern boundary of Coke county; thence west to the southwest corner of Coke county; thence north along the western boundary of Coke county to the southern boundary of Mitchell county; thence east to the southeastern corner of Mitchell county; thence north along the eastern boundary of Mitchell county to the northeast corner of said county; thence east along the southern boundaries of Fisher and Jones counties to the southeast corner of Jones county; thence north along the eastern boundary of Jones county to the northeast corner of said county; thence east along the southern boundary of Haskell county to the southeast corner of said county; thence north along the western boundary lines of Throckmorton and Baylor counties to the northwest corner of Baylor county; thence east along the southern boundary of Wilbarger county to the

southeast corner of said county; thence north along the eastern boundary of Wilbarger county to the Red river; thence continuing in a northwesterly direction along the course of said river and the northern boundary of Texas to the southeast corner of Greer county; thence northerly following the course of the North fork of the Red river to its intersection with the southern boundary line of Roger Mills county along the western boundary lines of the Apache, Comanche and Kiowa Indians reservations; thence east along the southern boundary lines of Roger Mills and Washita counties to the intersection with the boundary line of Wichita Indian reservation on the Washita river; thence north along the
40 western boundary line of said reservation to its northwest corner at its intersection with the Canadian river in the county of G.; thence in a southeasterly direction along the course of said river and the northern boundary of the Wichita Indian reservation to the northeast corner of said reservation; thence easterly along the southern boundary of Canadian county to the southeast corner of said county; thence north along the easterly boundary lines of Canadian and Kingfisher counties to the 36th parallel.

Fourth. It is however, provided that cattle from below the above-mentioned fever line may enter this State by rail for immediate slaughter, provided a permit is first obtained from this board, or one of its duly authorized inspectors, to be granted upon the affidavit of the owner, consignor or consignee, or official of railway company transporting such cattle, that such cattle are intended only for immediate slaughter, and that the following regulations in respect to such cattle will be fultilled.

(1.) When any cattle in course of transportation from said area are unloaded above, north or west of this line to be fed or watered, the places where said cattle are to be fed or watered shall be set apart and no other cattle shall be admitted thereto.

(2.) On unloading said cattle at their points of destination, pens shall be set apart to receive them, and no other cattle shall be admitted to said pens; and the regulations relating to the movement of Texas cattle prescribed by the cattle sanitary officers of the State where unloaded, shall be carefully observed. The cars that have carried said stock shall be cleansed and disinfected before they are again used to transport, store or shelter animals or merchandise.

(3.) All cars carrying cattle from said area shall bear placards stating that said cars contain southern cattle, and each of the way-bills of said shipment shall have a note upon its face with a similar statement. Whenever any cattle have come from said area and shall be reshipped from any point at which they have been unloaded to
other points of destination, the cars carrying said animals
41 shall bear similar placards with like statements, and the way-bills be so stamped. At whatever point these cattle are unloaded they must be placed in separate pens to which no other cattle shall be admitted.

(5.) The cars used to transport such animals, and the pens in which they are fed and watered, and the pens set apart for their re-

ception at points of destination, shall be disinfected in the following manner:

(*a.*) Remove all litter and manure. This litter and manure may be disinfected by mixing it with lime or saturating it with a 5 per cent. solution of carbolic acid, or if not disinfected, it may be stored where no cattle can come in contact with it until after November 15.

(*b.*) Wash the cars and the feeding and watering troughs with water until clean.

(*c.*) Saturate the walls and floors of the cars and the fencing, troughs and chutes of the pens, with a solution made by dissolving four ounces of chloride of lime to each gallon of water. Or disinfect the cars with a jet of steam under a pressure of not less than 50 pounds to the square inch.

Fifth. All cattle from the States of Texas and California and the Territory of Oklahoma, or from any portions of any other State or Territory below the 36th parallel of north latitude desiring entrance into Colorado, either for grazing, feeding or immediate slaughter, between the 1st day of April and the 1st day of November whether for the purpose of remaining in said State or for the purpose of traveling through said State to other States or Territories, by rail or by trail, will be inspected before entering the State of Colorado, and if the above conditions have been fulfilled, a certificate of health will be granted, or in the case of slaughter cattle, a permit. Cattle will be inspected before loading, if sufficient notice is given to the State veterinary surgeon, the capitol, Denver, or to any of the duly authorized inspectors of the board who will, with their
42 deputies, be stationed as follows: P. J. Towner, East Las Vegas, N. M. and Wm. Berryman, Amarillo, Texas: (otherwise cattle will be required to be unloaded at Folsom, on the line of the Union Pacific, Denver & Gulf railroad, or at Raton, on the Atchison, Topeka & Santa Fe railroad.)

Sixth. Cattle coming into the State by trail will be required to cross the State line at or near the Point of Rocks, or at any other point to be agreed upon after conferring with secretary of this board, and must be inspected before entering Colorado. Due notice of intention to cross the State line must be given to the secretary or to Inspector Berryman, Amarillo, Texas, or Inspector Towner, East Las Vegas, N. M.

Seventh. To defray the expense of inspection, a fee of one and one-half cents (1½) per head will be charged, payable before a certificate of health or a beef permit is issued.

Eighth. The fee for the inspection of cattle destined for Kansas will be two cents per head.

Ninth. Cattle from the Republic of Mexico shall be admitted into and through Colorado after having been inspected and certified to be free from Southern cattle-fever infection (boophilus bovis) by the United States inspector of the Bureau of Animal Industry, and after having passed the State inspector of Colorado and receiving his bill of health.

Tenth. Any person or corporation who shall violate, disregard or

evade or attempt to violate, disregard or evade any provisions of the statutes governing stock sanitary inspection, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in the sum of not less than one hundred and not more than five thousand dollars ($5,000), or imprisonment in the county jail not less than three months nor more than two years, or by both such fine and imprisonment.

Blank affidavits will be furnished upon application to the secretary of the board, the capitol, Denver.

THE STATE VETERINARY SANITARY BOARD OF COLORADO.
B. H. DUBOIS, *President.*

43 HELENA, MONTANA, *May* 1, 1901.

Dr. A. B. McCapes, secretary, State veterinary surgeon:

All cattle holding certificates of health issued by the Colorado veterinary sanitary board will be admitted into the State of Montana without further inspection.

M. E. KNOWLES,
State Veterinarian of Montana.

All cattle holding certificates of health issued by the Colorado veterinary sanitary board will be admitted into the State of Kansas without further inspection.

M. C. CAMPBELL,
Pres. Live Stock Sanitary Com. of Kansas.

Affidavit of Two Responsible Parties.

We —— —— and —— —— citizens of the county of —— and State of —— do hereby certify that we know — head of cattle branded — and owned by —— —— whose post-office address is —— county of —— State of —— to have been held during the ninety days preceding this date, in the county of —— State of ——. The said cattle are about to be shipped from —— to —— consigned by —— —— to —— ——.

—— ——.
—— ——.

Certificate of Clerk or Notary Public.

I hereby certify that the parties whose signatures appear to the foregoing affidavit are personally known to me to be reputable and responsible citizens.

Dated —— 190–.

—— ——.

44 And thereupon the court overruled the demurrer to the return of respondent, and remanded the prisoner to the custody of the sheriff of Arapahoe county, Colorado; and dismissed the petition; to the overruling of which demurrer and to the

said order remanding the prisoner and to the order of dismissal of the petition the said Ed. H. Reid, by his counsel, then and there reserved his exceptions, and prayed his appeal to the Supreme Court of the United States which was allowed; and the court then ordered that said exhibits be admitted as part of the record herein.

And now, forasmuch as the above and foregoing matters and things do not fully appear of record herein, petitioner, Ed. H. Reid, presents this, his bill of exceptions, and prays the court that the same may be signed, sealed and made a part of the record herein.

MOSES HALLETT,
Circuit Judge.

O K.
T. E. McINTYRE.
CHAS. C. POST,
Att'y General.

(Endorsed:) 4176—In the U. S. circuit court—In the matter of the petition of Ed. H. Reid—Bill of exceptions—Filed Jul- 12, 1901—Robert Bailey, clerk.

45 UNITED STATES OF AMERICA, *ss:*

To Robert J. Jones, sheriff of the county of Arapahoe, in the State of Colorado, Greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, at Washington, within thirty days from the date hereof, pursuant to an appeal filed in the clerk's office of the circuit court of the United States for the district of Colorado, wherein Ed. H. Reid is appellant and you are respondent, to show cause, if any there be, why the judgment rendered against the said appellant as in the said appeal mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the Honorable Melville W. Fuller, Chief Justice of the Supreme Court of the United States, this eighth day of July, in the year of our Lord one thousand nine hundred and one.

MOSES HALLETT, *Judge.*

On this 8th day of July, in the year of our Lord, one thousand nine hundred and one, personally appeared Dewey O. Bailey, U. S. marshal, before me, the subscriber, Adolphus B. Capron U. S. com'r, and makes oath that he delivered a true copy of the within citation to Robert J. Jones sheriff of Arapahoe county, July 8th, 1901.

Sworn to and subscribed the 8th day of July A. D. 1901.

{Seal of Adolphus B. Capron, United States Commissioner, Colorado.}

ADOLPHUS B. CAPRON,
United States Commissioner.

1 ser., 2.

15½ [Endorsed:] 4176. In the circuit court of the United States for the district of Colorado, sitting at Denver. In the matter of the application of Ed. H. Reid for a writ of *habeas corpus*. Citation. Filed Jul- 8 1901. Robert Bailey, clerk. Talbot, Denison & Wadley, attorneys for petitioner.

16 UNITED STATES OF AMERICA, *District of Colorado*, } ss:

I, Robert Bailey, clerk of the circuit court of the United States for the district of Colorado, do hereby certify the above and foregoing pages numbered from one (1) to forty-four (44) both inclusive, to be a true, perfect, and complete transcript and copy of the record and proceedings and of all thereof, heretofore filed or entered of record in said court, and in a certain cause lately in said court pending In the matter of the application of Ed. H. Reid for a writ of *habeas corpus*, as fully and completely as the same still remains on file and of record in my office at Denver.

Seal United States Circuit Court, District of Colorado.

In testimony to the above, I do hereunto sign my name and affix the seal of said court, at Denver in said district, this 16th day of July, A. D. 1901.

ROBERT BAILEY, *Clerk*,
By CHARLES W. BISHOP,
Deputy Clerk.

Endorsed on cover: File No. 18,240. Colorado C. C. U. S. Term No. 387. Ed. H. Reid, appellant, *vs.* Robert J. Jones, sheriff of the county of Arapahoe, Colorado. Filed July 29, 1901.